

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
Martinsburg**

**JONATHAN JOE,**

Plaintiff,

v.

**CIVIL ACTION NO. 3:21-CV-85**  
Judge Bailey

**CHUCK BERGEN,  
DENISE BERGEN,  
EMPLOYEE ANYA,  
TRINITY ASHBURN CHURCH, and  
BB&T BANK, Berkeley Springs Branch,**

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The above referenced case is before this Court upon the magistrate judge's recommendation [Doc. 14], filed July 22, 2021, that the Complaint and Motion for Injunction be dismissed without prejudice and the Motion for Leave to Proceed In Forma Pauperis be denied as moot.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. *Thomas v. Arn*, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. *United*

**States v. Schronce**, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.

A *de novo* review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 14] is **AFFIRMED**, the Complaint in this case [Doc. 1] and the Motion for Injunction [Doc. 11] are **DISMISSED WITHOUT PREJUDICE**, the Motion for Leave to Proceed In Forma Pauperis [Doc. 5] is **DENIED AS MOOT** and the fee waived. Further, the pending Motion to Dismiss [Doc. 8] is **DENIED AS MOOT**. The Clerk is hereby directed to **STRIKE** this matter from the active docket of this Court and enter judgment in favor of defendants.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to any counsel of record herein and to mail a copy to the *pro se* plaintiff.

**DATED:** August 18, 2021.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE